

IBEW, LOCAL NO. 1 HEALTH AND
WELFARE FUND, Trustees for, et al.

Plaintiffs,

VS.

DEMAND ELECTRIC, INC., et al.,

Defendants.

Case No. 4:08CV01361 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction [doc. #3]. This case involves an effort by Plaintiffs to have the Court require Defendants to grant Plaintiffs access to certain books and records in order to conduct a payroll audit. A temporary restraining order was entered by this Court on September 10, 2008 [doc. #9], and was extended, as previously entered, up to September 29, 2008 [doc. #15]. The temporary restraining order was then extended, but only in part, up to October 9, 2008 [doc. #20]. At that time, the order was limited to the preservation of data and prevention of computer destruction or disposal.

Plaintiffs filed a Report on Status of Compliance with Temporary Restraining Order [doc. #21] on October 8, 2008. According to the Report, Plaintiffs have completed their compilation of payroll reports and “believe they have obtained the information needed to pursue recovery on a job-specific basis from third-party sources and further access to the computers and servers will not be necessary for that limited purpose.” The attorneys for both Plaintiffs and Defendants are fully aware of their obligation under the Federal Rules of Civil Procedure to act in good faith to preserve documents that are potentially relevant to this dispute. Defendants have adequately

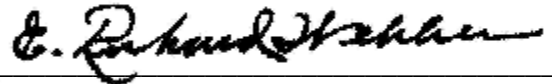
complied with the terms of the temporary restraining order and, thus, its continuation in this matter is unnecessary. The preliminary injunction initially requested by Plaintiffs is likewise no longer necessary.

Accordingly,

IT IS HEREBY ORDERED that the temporary restraining order entered by this Court on September 10, 2008, and extended on two separate occasions, is **TERMINATED**.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction [doc. #3] is **DENIED**.

Ordered this 8th Day of October, 2008.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written over a horizontal line.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE